

Traumatic Brain Injury Waiver Quarterly Legislative Report

Session Law 2018-81, Section 1



Report to

**Joint Legislative Oversight Committee on
Health and Human Services**

**Joint Legislative Oversight Committee on
Medicaid and NC Health Choice**

**House Appropriations Committee on
Health and Human Services**

**Senate Appropriations Committee on
Health and Human Services**

Fiscal Research Division

by

**North Carolina
Department of Health and Human Services**

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I. Background

Session Law 2018-81, Sec. 1 (see **Appendix A**) directed the NC Department of Health and Human Services (DHHS) to report quarterly to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice, the Joint Legislative Oversight Committee on Health and Human Services, the chairs of the Senate Appropriations Committee on Health and Human Services, the chairs of the House of Representatives Appropriations Committee on Health and Human Services, and the Fiscal Research Division on the status and implementation of the 1915(c) waiver for individuals with traumatic brain injury (TBI) submitted to the Centers for Medicare and Medicaid Services (CMS) in accordance with Session Law 2015 241, Section 12H.6. (see **Appendix B**).

DHHS worked with TBI advocates, stakeholders, and providers to develop the NC TBI Waiver. The waiver was approved by CMS for three years effective May 1, 2018. The first phase of the TBI Waiver is limited to one local management entity/managed care organization (LME/MCO) catchment area: Alliance Behavioral Health (Alliance), and their counties are Cumberland, Durham, Johnston, and Wake. After a 90-day agreed upon period to prepare, Alliance implemented the waiver on August 1, 2018.

The NC TBI Waiver provides community-based alternatives for individuals with traumatic brain injuries who are currently in nursing facilities or specialty rehabilitation hospitals, or who are in the community and at risk for placement in a nursing home or specialty rehabilitation hospital. The waiver provides for a continuum of care (see **Appendix C**) that includes both short- and long-term rehabilitation services that are provided within the home and community of enrolled individuals.

The target waiver population consists of adults with cognitive, behavioral, and physical support needs who require supervised and supportive care. Most targeted individuals have either completed a course of intensive rehabilitation and continue to need a less-intensive rehabilitative schedule or are in need of long-term services and supports. Approximately 10% of the individuals served would benefit from a more intensive course of rehabilitation. The adults in the target population are Medicaid beneficiaries who:

- Have a traumatic brain injury, which occurred on or after their twenty-second birthday;
- Have a need for a combination and sequence of special interdisciplinary care or general care, treatment, or other services that are of a lifelong or extended duration and that are individually planned and coordinated;
- Meet admission criteria for placement in a nursing facility or specialty rehabilitation hospital; and
- Have needs that would not be better met under the NC Innovations Waiver for individuals with intellectual disabilities or the Community Alternatives Program for Disabled Adults (CAP-DA) Waiver.

II. Implementation overview

A. Beneficiaries

There are 49 slots available in year 1 for the NC TBI Waiver, and slots are awarded on a first-come, first-served basis. Alliance developed a TBI Waiver Interest List to track and support individuals who have expressed interest in the waiver and those individuals who have been identified as possibly benefiting from the waiver. Alliance also employs a TBI Guide staff member to assist individuals on the Interest List with gathering the clinical documentation necessary for the TBI Waiver Level of Care process that determines if the individual meets the level of care as outlined in the waiver. The TBI Guide also assists individuals on the Interest List who, if not already covered, to apply for Medicaid.

There are currently 53 individuals on the Interest List for the TBI Waiver. Of these 53 individuals, 12 are in Cumberland County, 13 are in Durham County, four are in Johnston County, and 24 are in Wake County. During the first week of August 2018, Alliance notified individuals on the Interest List by letter to inform them that the waiver is live, and provide more information regarding next steps on completing the Level of Care Process. As of November 2018, six individuals have been referred for Level of Care and five Levels of Care have been approved. Five individuals have completed their ISPs and are in the process. Alliance continues to dedicate Access Staff to respond to questions related to accessing the waiver as they arise.

B. Providers

Alliance is contracting with TBI providers to serve waiver participants. Providers added to the TBI waiver after CMS approval are being reviewed to ensure compliance with the Home and Community Based Services (HCBS) Final Rule, which provides additional protections for waiver beneficiaries to ensure full access to the benefits of community living. The HCBS Final Rule applies to residential supports, day supports, adult day health, and supported employment services. Alliance There are currently ten providers in Alliance's TBI provider network.

C. Training

Alliance has a collaborative with its enrolled TBI Waiver providers to ensure that its provider pool continues to expand its TBI specific knowledge base and understands both clinical practice guidelines and best practices related to TBI. Alliance contracts with the Brain Injury Association of North Carolina (BIANC) to offer providers and their staff access to the Certified Brain Injury Specialist (CBIS) Certification training program. The TBI Provider Collaborative has had three meetings between September 21, 2018 and November 17, 2018 which covered the following topics:

- Collaborative Overview
- TBI Training – “Basics and Strategies”
- Provider Q&A
- What's in a Behavior?
- TBI, Intellectual / Developmental Disabilities, and Behavioral De-escalation

Alliance is also providing TBI specific online trainings through their Recovery University. Alliance's Recovery University is a program that utilizes RELIAS Learning,

D. Technical Support

Alliance is facilitating TBI provider technical assistance calls to discuss the clinical and support needs of enrolled beneficiaries. These meetings also help guide the further development of supports and to ensure that provider sites are fully compliant with the HCBS Final Rule. The first call was held on August 27, 2018, and they are held on a weekly basis.

III. Next Steps

A. Alliance

- Alliance will continue to provide technical assistance to its provider network on waiver operations and to educate and offer support to waiver beneficiaries.
- Alliance plans to form a local stakeholder group to solicit feedback on implementation issues, operational procedures, and policies.

B. DHHS

- DHHS is currently drafting the TBI waiver policy and expects to promulgate that policy by June 30, 2019.
- DHHS will continue to work with other states with successful TBI programs to refine operational tools, assessment tools, and policies, and will continue to provide waiver operations technical assistance as needed to Alliance.
- DHHS will continue to develop a best practice model system that includes the continuum of care in **Appendix C** and will review and adjust reimbursement rates as needed to maintain adequate reimbursement to attract and retain a network of quality, specialized providers.
- DHHS will update its website to include data related to the waiver such as number of individuals interested, number of individuals served, and providers enrolled.
- DHHS will form a State stakeholder group, including representation from the Alliance stakeholder group, to solicit feedback on implementation issues, operational procedures, and policies. This group will also assist the State in exploring the viability of statewide implementation. The first State Stakeholder group's kickoff meeting was held on December 3, 2018 and the plan is to hold quarterly meetings. The group wants to explore the addition of supported living services in the TBI Waiver.

Appendix A: Session Law 2018-81, Section 1

AN ACT REGARDING IMPLEMENTATION OF THE 1915(C) MEDICAID WAIVER FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURY:

SECTION 1. Beginning October 1, 2018, the Department of Health and Human Services (DHHS) shall report quarterly to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice, the Joint Legislative Oversight Committee on Health and Human Services, the chairs of the Senate Appropriations Committee on Health and Human Services, the chairs of the House of Representatives Appropriations Committee on Health and Human Services, and the Fiscal Research Division on the status and implementation of the 1915(c) waiver for individuals with traumatic brain injury (TBI) that has been submitted to the Centers for Medicare and Medicaid Services in accordance with Section 12H.6 of S.L. 2015-241.

As part of the process of implementing the TBI waiver, DHHS shall adopt rules or medical coverage policies relating to service programs for individuals with traumatic brain injury, including setting standards that ensure that individuals with brain injuries who require residential treatment receive appropriate, effective, and high-quality treatment in community-based residential settings. Additionally, DHHS shall develop a best practice model system that includes a comprehensive continuum of care and an array of short-term and long-term treatments, rehabilitation options, and home and community support services as part of the TBI waiver. Finally, DHHS shall strive to maintain adequate reimbursement rates for residential and community-based care programs that serve individuals with traumatic brain injury, which will aid in attracting and retaining quality and highly specialized providers and programs into North Carolina.

Appendix B: Session Law 2015-241, Section 12H.6.
TRAUMATIC BRAIN INJURY MEDICAID WAIVER

SECTION 12H.6.(a) The Department of Health and Human Services, Division of Medical Assistance and Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (Department), shall submit to the Centers for Medicare and Medicaid Services a request for approval of the 1915(c) waiver for individuals with traumatic brain injury (TBI) that the Department designed pursuant to Section 12H.6 of S.L. 2014-100, which the Joint Legislative Oversight Committee on Health and Human Services recommended as part of its December 2014 report to the General Assembly, and which is further described in the Department's February 1, 2015, report to the General Assembly.

SECTION 12H.6. (b) The Department shall report to the Joint Legislative Oversight Committee on Health and Human Services on the status of the Medicaid TBI waiver request and the plan for implementation no later than December 1, 2015. The Department shall submit an updated report by March 1, 2016. Each report shall include the following:

- (1) The number of individuals who are being served under the waiver and the total number of individuals expected to be served.
- (2) The expenditures to date and a forecast of future expenditures.
- (3) Any recommendations regarding expansion of the waiver.

SECTION 12H.6. (c) Of the funds appropriated to the Department of Health and Human Services, Division of Medical Assistance, one million dollars (\$1,000,000) for fiscal year 2015-2016 and two million dollars (\$2,000,000) for fiscal year 2016-2017 shall be used to fund the Medicaid TBI waiver.

SECTION 12H.6. (d) The waiver and any State Plan amendments required to implement this section shall not be subject to the 90-day prior submission requirement of G.S. 108A-54.1A(e).

Appendix C: Continuum of Care

The NC TBI Waiver offers supports to people in their home and in a community setting. It includes services that support people in their homes and services for people who cannot or do not want to be supported in their home.

Services to Support a person in her/his own home:

Life Skills Training	Life Skills Training provides rehabilitation and skill building to enable the beneficiary to acquire and maintain skills that support independence.
Personal Care	Personal Care Services under North Carolina's State Medicaid Plan differ in service definition and provider type from the services offered under the waiver. Personal Care Services under the waiver include support, supervision and engaging participation with eating, bathing, dressing, personal hygiene, and other activities of daily living.
Respite Care (in-home or at a facility)	Respite services provide periodic or scheduled support and relief to the primary caregiver(s) from the responsibility and stress of caring for the individual with a TBI.
In-Home Intensive Supports	In- Home Intensive support is available to support beneficiaries in their private homes when they need extensive support and supervision.
Assistive Technology Equipment and Supplies	Technology and equipment used to increase, maintain, or improve functional capabilities of beneficiaries.
Home Modifications	Home Modifications are physical modifications to a private residence that are necessary to ensure the health, welfare, and safety of the beneficiary or to enhance the beneficiary's level of independence.
Vehicle Modifications	Alterations to a vehicle include devices, service or controls that enable beneficiaries to increase independence or physical safety by enabling safe transport in and around the community.
Natural Supports Education	Natural Supports Education provides training to families and the beneficiary's natural support network to enhance the decision-making capacity of the natural support network, provide orientation regarding the nature and impact of the TBI and its co-occurring disabilities upon the beneficiary, provide education and training on rehabilitation and/or compensatory intervention and strategies, and provide education and training in the use of specialized equipment and supplies.
Specialized Consultative Services	Specialized Consultative Services provide expertise, training and technical assistance in a specialty area (neuro/psychology, behavior intervention, speech therapy, therapeutic recreation, augmentative communication, assistive technology equipment, occupational therapy, physical therapy, nutrition, and other licensed professionals who assist individuals with traumatic brain injury). These services

	help family members, support staff and other natural supports in assisting individuals with traumatic brain injury.
Extended Clinical Services	Physical therapy, occupational therapy, speech and language services, performed by credentialed professionals at a level higher than or not otherwise covered under the State Plan.
Cognitive Rehabilitation (CR)	Cognitive Rehabilitation is a one-on-one therapy used for the development of thinking skills to improve functional abilities including but not limited to: attention, memory, and problem solving, and to help identify impaired thinking. The initial goal of therapy is to improve cognitive functioning to the fullest extent possible. Compensatory strategies will be introduced as progress slows.

Services to support a person in an out-of-home setting:

Residential Supports	Residential Supports provide individualized services and supports to enable a person to live successfully in a Group Home or Alternate Family Living setting of their choice and be an active participant in his or her community. Residential Supports includes three tiers of support. Tier 1 includes individuals with lower needs, and Tier 3 includes individuals with more significant support needs.
Natural Supports Education	Natural Supports Education provides training to families and the beneficiary's natural support network to enhance the decision-making capacity of the natural support network, provide orientation regarding the nature and impact of the TBI and its co-occurring disabilities upon the beneficiary, provide education and training on rehabilitation and/or compensatory intervention and strategies, and provide education and training in the use of specialized equipment and supplies.
Specialized Consultative Services	Specialized Consultative Services provide expertise, training and technical assistance in a specialty area (neuro/psychology, behavior intervention, speech therapy, therapeutic recreation, augmentative communication, assistive technology equipment, occupational therapy, physical therapy, nutrition, and other licensed professionals who assist individuals with traumatic brain injury). These services help family members, support staff and other natural supports in assisting individuals with traumatic brain injury.
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Services to support a person in the community*:

Adult Day Health	This service is for beneficiaries who need a structured day program of activities and services with nursing supervision.
Day Supports	Day Supports is a group, facility-based service that provides assistance to individual with rehabilitation, retention, or modification of socialization and daily living skills and is one option for a meaningful day.
Supported Employment	Provides assistance with choosing, acquiring, and maintaining a job when competitive employment has not been achieved, has been interrupted, or is intermittent. This includes pre- job training, coaching, and long term follow along.
Community Networking	Community Networking services provide individualized day activities that support the beneficiary's definition of a meaningful day in an integrated community setting with persons who are not disabled.
Resource Facilitation	Resource Facilitation promotes the coordination of medical, behavioral, social and unpaid supports to address the beneficiary's needs. Resource Facilitation also informs the planning process with the team and assists beneficiaries with assuring coordinated supports, including direct services.

* These services can be utilized to support an individual who lives in their own home or in an out-of-home placement.